

TRAVERSE

It is respectfully pointed out that, according to MPEP 803, in order for a restriction requirement to be proper, two criteria must be met:

- (1) the inventions must be independent or distinct as claimed, and
- (2) there must be a serious burden on the Examiner if restriction is not required.

In the instant application, it is believed that a search for a method for targeting a heritable integration of a transgene within the genome of an "organism" (emphasis added) using a DNA cassette comprising flanking transposon half sides and an internal transposon half side and the "organism", Group III claims, would encompass a search for a method of targeting a heritable integration of a transgene within the genome of an invertebrate, which is an "organism" using a DNA cassette comprising flanking transposon half sides and an internal transposon half side and the invertebrate, an "organism", Group I claims. The Office states that Group III claims are directed to a "vertebrate" but nowhere in any of the Group III claims is the word "vertebrate" used.

Furthermore, for Groups I-IV, the Office did not indicate that the four groups are classified differently. Additional evidence that there is a lack of burden on the Office.

Therefore, there would be no serious burden on the Examiner to search for at least the method of Group III claims and the method of Group I claims since an invertebrate is an organism. Furthermore, it appears that all four groups fall under the same classification which indicates no serious burden to examine all four groups together.

For this reason, it is respectfully requested that the Examiner reconsider the restriction requirement and examine the invention comprising groups I through IV.

In the event this paper is deemed not timely filed, the undersigned hereby petitions for an appropriate extension of time. Please charge any fees, which may be required by this paper or at any time during prosecution of the instant application, or credit any overpayment, to deposit account 50-2134.

Respectfully submitted,

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DATE

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CERTIFICATE OF FILING VIA FACSIMILE

The undersigned hereby certifies that the attached Election with Traverse and Change of Attorney or Agent's Address in Application was this day, July 18, 2007, filed in the United States Patent and Trademark Office via facsimile to facsimile number 9,571-273-8300. Total pages:6

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